

## **Attachment C: Proposed Revisions to the Common and Functional Open Space Requirements (Excerpt Only)**

### **C. Common and Functional Open Space Requirements**

1. *Purpose.* To provide common and functional open space that is the visually dominant organizational element and functionally contributes to the project's planning within every FLD project.
2. *Definitions.* The following definitions apply to this section.
  - a. *Common Open Space.* Common open space is any portion of the FLD project site that is:
    - i. Not a vehicular use area;
    - ii. Maintained by a homeowners organization in perpetuity;
    - iii. Designated for the benefit of and enjoyment by all the residents of the development; and
    - iv. Dedicated to the City as parkland or preserve.
  - b. *Functional Open space.* Open space that is a designed element of the development and has a functionally described and planned use as an amenity for the direct benefit of the residents of a development. Examples include nature trails; exercise trails; open playgrounds, such as baseball fields and multi-use recreational areas; picnic areas; and facilities, such as swimming pools, tennis courts; and golf courses.
  - c. *Natural undisturbed open space.* NUOS is an area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated or reserved in perpetuity as a conservation area for public or private enjoyment. A pedestrian or non-motorized recreational trail may be located in a natural undisturbed open space. Rights-of-way (including alleys) are prohibited in NUOS.
3. *FLD Projects with a Gross Site Area of Five (5) Acres or Less.* Shall provide not less than one hundred nine (109) square feet for every residential unit as functional open space.
4. *FLD Projects with a Gross Site Area of More than Five (5) Acres*
  - a. Shall provide not less than twenty five percent (25%) of the gross site area as common open space.
  - b. Should provide not less than two hundred sixty nine (269) square feet for every residential unit as functional open space.

5. Any portion of the FLD project site that has been dedicated to and accepted by a public entity for public use may be included in meeting the common and/or functional open space area requirements provided in Section 3.6.1.5.C.2, .3, and .4. Dedications that meet this requirement include, but are not limited to, parks, area of a floodplain, trail, and detention and retention basins that incorporate Multiple-Use Concepts and Aesthetic Design Guidelines described in 3.6.1.5.D.5.b (Detention and Retention Basin requirements).
6. The types of functional open space amenities provided shall be approved by the Department of Urban Planning and Design director for their appropriateness for the mix of residents for which the FLD project is designed.
7. The following FLD projects are exempt from Section 3.6.1.5.C.2 (Functional Open Space Requirements). The following types of FLD projects are subject, however, to the provisions in Section 3.6.1.5.C.5.b (Detention and Retention Basin Requirements):
  - a. Located within one-quarter (1/4) of a mile of a City community park of at least fifteen (15) acres, does not require crossing an arterial roadway to reach the park, and is a FLD project with 60 lots or fewer; or,
  - b. Zoned SR, SH, RX-1 or RX-2.
8. *Configuration and Location of Common and Functional Open Space within an FLD Project.*
  - a. Functional open space shall be conveniently located to and usable by the maximum number of the residential units on the site.
  - b. For FLD projects more than 5 acres, common open space must be configured to the greatest extent practical into functional areas. Open space may be divided into smaller open space areas if the areas are functional and distributed throughout the FLD project site so that they are conveniently located for residents of the FLD project.
  - c. To the greatest extent possible, common open space should not be comprised of remnant areas that are not usable by residents of the FLD project.
  - d. Where the project is located near a public preserve, or can provide connections to open space areas or areas of environmentally or culturally significant features, the open space shall be configured in a manner to preserve this connectivity.
9. *Additional Common Open Space Requirements.*
  - a. *Natural undisturbed open space (NUOS).*

1. NUOS areas shall remain undeveloped and permanently conserved with the following exceptions:
    - a. Trails are permitted in NUOS areas.
    - b. Infrastructure is permitted in NUOS areas where connectivity of services is required and cannot be achieved elsewhere on the site outside the NUOS area using design techniques that minimize the impact on the NUOS, such as limiting crossings and borings.
  3. NUOS areas may count toward meeting the common open space requirements in Section 3.6.1.5.C.3.a.
- b. *Detention and retention basins.*
1. Detention and retention basins must include functional open space amenities to the extent which barrier free access to the amenity in accordance with Section 3.6.1.6.G.5 can be reasonably provided.
  2. The Multiple-Use Concepts and Aesthetic Design Guidelines in Chapter IV of the Stormwater Detention/Retention Manual shall be used in the design of the functional open space amenity.
  3. The area including the functional open space amenity and the access to the amenity shall count toward meeting functional open space requirements.
  4. Detention and retention basins shall be located:
    - a. outside the boundaries of a residential lot; and
    - b. in a common area that is maintained by the homeowners organization; and
    - c. within the perimeter wall, fence, or screening surrounding the FLD project site boundaries.